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"Not only in the trial and disposition of cases has the city been made safer, but the work of the Court and its publicity to the criminal class have caused that class to leave Chicago, and the undesirable element outside of Chicago to stay away from Chicago. Pickpockets, confidence men and thieves in general discuss their lines of endeavor as commercial travelers discuss theirs, and, like the commercial traveler, they consider the towns and cities to patronize, and the good towns and cities to stay away from. In determining the towns to stay away from, the determining factor is the attitude the authorities show in the enforcement of laws and ordinances."

COURTS—LAWS.

To Regulate Sale and Distribution of Drugs in New York.—(Senate, State of New York, 3d Rdg. 562. Nos. 951, 1261, 1440, Int. 802. March 7, 1918.

Introduced by Legislative Narcotic Committee—read twice and ordered printed and when printed to be committed to the Committee on Public Health—committee discharged, said bill amended, ordered reprinted as amended and when reprinted to be committed to the Committee on Finance—reported favorably from said committee with amendments, by unanimous consent, the rules were suspended and said bill ordered to a third reading and to be reprinted as amended.

An Act—To amend the public health law, so as to provide for the regulation and control of the sale, prescribing, dispensing, dealing in and distribution of cocaine and opium and its derivatives, and making an appropriation therefor.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Article eighteen of chapter forty-nine of the laws of nineteen hundred and nine, entitled "An act relating to the public health, constituting chapter forty-five of the consolidated laws," as renumbered article twenty-two by chapter four hundred and eight of the laws of nineteen hundred and sixteen, is hereby renumbered article twenty-four, and sections three hundred and fifty and three hundred and fifty-one of such chapter as renumbered sections four hundred and fifty and four hundred and fifty-one, respectively, by chapter six hundred and nineteen of the laws of nineteen hundred and thirteen, are hereby renumbered five hundred and five hundred and one, respectively.

Section 2. Such chapter is hereby amended by inserting therein a new article, to be article twenty-two thereof, to read as follows:

ARTICLE XXII.

NARCOTIC DRUG CONTROL.

Section 420. Definitions.

- 421. Department of narcotic drug control, commissioner; powers and duties.
- 422. Deputies; secretary, employes.
- 423. Acts prohibited; registry.
- 424. Manufacturer to have certificate.
- 425. Wholesaler to have certificate.
- 426. Orders upon official blanks.
- 427. Acts permitted.
- 428. Possession of drugs further restricted.
- 429. Labels.

430. Possession of drugs authorized by labels.
431. Administration of drugs by hospitals and institutions.
432. Private hospitals and institutions to be authorized.
433. Hypodermic syringe.
434. Records and reports.
435. Drugs to be delivered to department.
436. Exemptions from restrictions.
437. Records confidential.
438. Commitment of addicts; procedure; treatment; discharge.
439. Voluntary hospital commitment.
440. Fraud, deceit, et cetera.
441. False representations, et cetera.
442. Revocation of licenses.
443. Penalties.
444. Exceptions and exemptions not required to be negated.
445. Construction of article.

Section 420. *Definition.* As used in this article.

1. Association. The term "association" includes any combination of two or more persons, not incorporated nor constituting a copartnership.

2. Person. The term "person" includes any corporation, association, copartnership or one or more individuals.

3. Department. The term "department" means the department of narcotic drug control as hereby constituted.

4. Commissioner. The term "commissioner" means the commissioner of narcotic drug control hereby created.

5. Physician. The term "physician" means a licensed practitioner of medicine as defined by article eight of this chapter.

6. Apothecary. The term "apothecary" means a licensed pharmacist or druggist as defined by article eleven of this chapter.

7. Dentist. The term "dentist" means a licensed practitioner of dentistry as defined by article nine of this chapter.

8. Veterinarian. The term "veterinarian" means a licensed practitioner of veterinary medicine as defined by article ten of this chapter.

9. Medicine. The term "medicine" means a drug or preparation of drugs in suitable form for use as a remedial or curative substance.

10. Sale. The term "sale" includes offer for sale and each sale made by any person, whether principal, proprietor, agent, servant, or employe.

11. Dispense. The term "dispense" includes distribute, leave with, give away, dispose of, and deliver to or to an agent to be delivered to.

12. Administer. The term "administer" is limited to personal administration.

13. Cocaine. The term "cocaine" shall include cocoa leaves or any compound, manufacture, salt, derivative or preparation thereof including alpha or beta eucaine or any of their salts or any synthetic compound of any of them, but shall not include decocanized coca leaves or preparations made therefrom or other preparations of cocoa leaves which do not contain cocaine.

14. Opium or its derivatives. The term "opium or its derivatives" shall include opium, morphine, codeine, heroin and any compound, manufacture, salt, derivative or preparation of any of them.

15. Habit forming drugs. The term "habit forming drugs" shall mean cocaine and opium or its derivatives as herein defined.

16. Manufacturer. The term "manufacturer" means one who produces or prepares habit forming drugs from the crude materials or their products or by-products for the use of the drug trade.

17. Wholesaler. The term "wholesaler" includes jobber and means one who sells habit forming drugs in substantial quantities to the trade or for commercial or manufacturing purposes, but not in quantities for personal use or individual consumption and who does not sell at retail.

18. The term "lawful quantity" used in connection with opium or its derivatives means: if opium not more than two grains, if codeine not more than one grain, if morphine not more than one-fourth of a grain, or if heroin not more than one-eighth of a grain in one fluid ounce, or if a solid or semi-solid preparation in one avoirdupois ounce. Such term whenever used shall not apply to cocaine.

Section 421. *Department of drug control; commissioner; powers and duties.* There is hereby created a department of narcotic drug control, the head of which shall be the commissioner of narcotic drug control. The governor, by and with the advice and consent of the senate, shall appoint a commissioner of narcotic drug control who shall hold his office for the term of six years and until his successor is appointed and shall have qualified. A commissioner shall in like manner be appointed upon the expiration of the term. If a vacancy occur in the office of commissioner it shall be filled in like manner for the residue of the term. The commissioner shall execute and file with the comptroller of the state a bond to the people of the state in the sum of five thousand dollars, with sureties to be approved by the comptroller, conditioned for the faithful discharge of his duties and for the due accounting for all moneys received by him as such commissioner. The commissioner shall receive an annual salary of six thousand dollars and his necessary expenses, which salary shall be payable in equal monthly installments. The commissioner is hereby empowered to make all needful or helpful rules, regulations, rulings and decisions which in his judgment may be necessary or proper to supplement or effectuate the purposes and intent of this article or to interpret its provisions or to provide the procedure or detail requisite in his judgment to effectually secure the proper enforcement of its provisions, which rules, regulations, rulings and decisions, when made and promulgated by the commissioner, shall become rules, regulations, rulings and decisions of the department, and until modified or rescinded shall have all of the force and effect of statute. The commissioner may divide the state into not to exceed four districts and maintain a branch administrative office in each, except that in which the capitol is located. It shall be the duty of the commissioner to enforce the provisions of this article and all of the rules, regulations, rulings and decisions of the department. The commissioner may for cause deemed by him to be sufficient, after having given reasonable notice and opportunity to be heard, revoke any certificate of authority issued by the department and revoke, cancel or withhold official blanks issued or applied for. The commissioner shall obtain data and information relative to the extent of drug addiction and the means by which it can be controlled, reduced or eliminated and the means and methods used in its treatment. He shall have the power to inspect and examine any hospital, sanatorium, institution or place in which persons are treated for drug addic-

tion. He shall report annually to the legislature with such recommendations as he may deem warranted. The commissioner and each of his deputies shall have the power to administer oaths, compel the attendance of witnesses, the production of books and papers, and to take proof and testimony concerning all matters within the jurisdiction of the department and in such connection no communication made to a physician shall be deemed confidential. The commissioner shall fix the prices to be paid for blanks procured from the department and the fees, not specifically fixed herein, to be paid upon the issuance of any certificate of authority authorized to be issued by the department. The trustees or other officers having by law the custody of public buildings at the state capitol shall provide for and assign to the commissioner offices for conducting the business of the department.

Section 422. *Deputies; secretary; employees.* The commissioner may appoint and at pleasure remove three deputy commissioners to be known as first, second and third deputy commissioner respectively. Each deputy commissioner shall within the territorial district of the state in and for which he may be assigned to duty exercise all of the powers of the commissioner except the power of appointment to positions, the power to grant and revoke certificates of authority and the power of making and promulgating rules, regulations, rulings and decisions. Each deputy commissioner shall receive an annual salary of three thousand five hundred dollars and his necessary traveling expenses, which salary shall be payable in equal monthly installments. The commissioner shall appoint and may at pleasure remove a secretary, who shall also act as financial clerk, and, under the direction of the commissioner, have charge of the collection of the receipts and disbursement of the moneys appropriated for the expenses of the office. The secretary shall receive an annual salary of three thousand dollars, payable in equal monthly installments. The secretary and each deputy commissioner shall give a bond to the people of the state in the sum of three thousand dollars with such sureties as shall be approved by the commissioner, and shall before entering upon the performance of his duties take and subscribe the constitutional oath of office. The commissioner may also appoint counsel and such employees in his office as may be necessary and fix the compensation of each within the appropriation made and available for such purpose.

Section 423. *Acts prohibited; registry.* No person shall possess, sell, distribute, administer or dispense cocaine or opium or its derivatives except as expressly and specifically authorized by the provisions of this article, and any unauthorized possession, sale, distribution, administration or dispensation of such drugs is hereby declared to be dangerous to the public health and a menace to the public welfare. No manufacturer, wholesaler, apothecary, physician, dentist, veterinarian or private hospital, sanatorium or institution maintained or conducted in whole or in part for the treatment of disability or disease or inebriety or drug addiction shall purchase, receive, possess, sell, distribute, prescribe, administer or dispense cocaine or opium or its derivatives unless prior thereto he shall have registered with the department his name or style, place of residence and place or places where such business is to be carried on, and received from the department a certificate authorizing him to carry on such business. During the month of January after this article takes effect he shall so register with the department. During each month of June thereafter he shall, in like manner, register with the department and for such

second and each subsequent registry shall pay to the department a fee of one dollar.

Section 424. *Manufacturer to have certificate.* Each manufacturer shall before selling or distributing any cocaine or opium or its derivatives within or for use or distribution within the state make application to and receive from the department a manufacturer's narcotic drug certificate authorizing the sale and distribution by him of such drugs within or for use or distribution within the state. He may sell and distribute such drugs within or for use or distribution within the state only so long as such certificate shall remain unrevoked.

Section 425. *Wholesaler to have certificate.* Each wholesaler shall, before selling or distributing any cocaine or opium or its derivatives within or for use or distribution within the state, make application to and receive from the department a wholesaler's narcotic drug certificate authorizing the sale and distribution by him of such drugs within or for use or distribution within the state. He may sell and distribute such drugs within or for use or distribution within the state only so long as such certificate shall remain unrevoked.

Section 426. *Orders upon official blanks.* A hospital, sanatorium or other institution maintained by the United States or the state or any of its political subdivisions, or a public or private hospital or other institution in which persons are treated for disability or disease, or a public hospital, sanatorium or institution in which persons are treated for inebriety or drug addiction, or a private hospital, sanatorium, institution or place in which persons are treated for inebriety or drug addiction which shall have an unrevoked certificate of authority issued by the department, or a wholesaler, apothecary, physician, dentist or veterinarian may possess cocaine or opium or its derivatives only after he shall have obtained the same from the department or in pursuance of a written order to the manufacturer, wholesaler or apothecary offering to sell the same which shall contain the date of the order, the name and amount of the drug ordered and the name and address of the person ordering the same, which said order shall be made in triplicate upon serially numbered blanks to be procured from the department. The person giving the order shall retain one of such triplicate orders on file for a period of two years and send the other two to the person to whom the order is given, who shall retain one of said duplicates on file for a period of two years and upon filling the order shall forthwith mail the other to the department. No order shall be given to a manufacturer or wholesaler unless such manufacturer or wholesaler at the time of the giving of such order is authorized by certificate of the department to sell or distribute the drug ordered within or for use or distribution within the state.

Section 427. *Acts permitted.* Subject to the rules, regulations, rulings and decisions of the department governing the same.

1. Preparations and remedies. A person may manufacture, sell, dispense or possess preparations and remedies, not otherwise prohibited by law, which do not contain more than lawful quantity of opium or its derivatives; also liniments, ointments and other preparations containing any of such drugs which are prepared and suitable for external use only; provided that such remedies and preparations are manufactured, sold, dispensed or possessed as medicines and not for the purpose of evading the intention and purposes of this article.

2. Veterinarians. A veterinarian may possess cocaine or opium or its

derivatives in such quantities as he may require for the purpose of administering or dispensing and may administer or dispense the same in the course of his professional practice. He may prescribe any of such drugs but not for use by a human being. Each prescription issued by him shall be signed by him and contain in legible English the name and amount of the drug prescribed, the name and address of the owner of the animal for which and the date when the prescription is issued.

3. Dentists. A dentist may possess cocaine or opium or its derivatives in such quantities as he may require for the purpose of administering the same in the course of his professional practice. He may administer the same to persons under his immediate treatment but only in quantities necessary for such treatment.

Apothecaries. An apothecary may, upon prescription written upon an unofficial prescription blank, signed by and containing the office address of a physician and the name, age and address of the person for whom and the date when issued, dispense cocaine or opium or its derivatives, provided such prescription does not contain more than five grains of cocaine or more than thirty grains of opium or more than six grains of codeine or more than four grains of morphine or more than two grains of heroin; also upon a like prescription if it contains any of such drugs in excess of said respective quantities if it be stated upon the prescription that it is to be used in the treatment of a surgical case or a disease other than drug addiction. Each such original prescription, serially numbered, shall be kept by him in a separate file for a period of two years and such prescription shall not be refilled; provided, however, that if any such prescription does not contain more than lawful quantity of any such drug it need not be separately filed; and provided further, that if any such prescription calls for an exempt preparation or remedy prepared in accordance with the "U. S. P.," "N. F.," or other recognized or established formula usually carried in stock by a dealer and sold without a prescription, it need not be separately filed and may, upon request, be refilled.

He may also, upon the prescription in writing, signed by a physician and containing his office address and the name, age and address of the person for whom, and the date when issued, within four days from such date, otherwise dispense cocaine or opium or its derivatives within or in excess of the quantities hereinbefore mentioned if such prescription be written upon a serially numbered official prescription blank delivered to him in duplicate, provided he keep one of said duplicates in a separate file for a period of two years and within twenty-four hours mail the other duplicate to the department. Such prescription shall not be refilled.

He may also upon the prescription in writing dated and signed by a veterinarian and containing his office address and the name and address of the owner of the animal for which the drug is prescribed dispense cocaine or opium or its derivatives, provided he keep such prescription on file for a period of two years. Such prescription shall not be refilled.

5. Physicians. A physician may in the course of the legitimate practice in good faith of his profession and for the purpose of relieving or preventing pain or suffering on the part of a patient, or to effect a cure, administer, prescribe or dispense cocaine or opium or its derivatives as follows:

He may upon an unofficial prescription blank issue a prescription which does not contain more than five grains of cocaine, or more than thirty grains of

opium or more than six grains of codeine or more than four grains of morphine or more than two grains of heroin. He may also upon an unofficial prescription blank issue a prescription for such quantity of any of such drugs in excess of such respective quantities as may reasonably be required in the treatment of a surgical case or a disease other than drug addiction, provided such fact be stated upon the prescription. Each other prescription for any of such drugs shall be written upon a serially numbered official prescription blank in triplicate to be procured from the department, signed by him and containing in legible English or Latin the name and amount of the drug prescribed, the name, age and address of the person for whom and the date when the prescription is issued. He shall issue the original and one other of such triplicate prescriptions for delivery to an apothecary and shall retain the other copy on file for a period of two years.

He may administer or dispense to a patient whom he is treating not to exceed two grains of cocaine or fifteen grains of opium or three grains of codeine or two grains of morphine or one-fourth of a grain of heroin.

He may while absent from his office in personal attendance upon a patient whom he is treating dispense, to be taken in his absence, not to exceed fifteen grains of opium or three grains of codeine or two grains of morphine or one-fourth of a grain of heroin.

If he otherwise administer or dispense any of such drugs he shall record in writing upon a serially numbered official physician's dispensing blank in duplicate to be procured from the department, in legible English or Latin the name and quantity of the drug and the form in which administered or dispensed, the name, age and address of the person for whom and the date when administered or dispensed and shall sign the same. He shall keep the original of such dispensing blanks on file for at least two years and shall, within twenty-four hours, mail the copy to the department.

The provisions of this section relating to the conditions under which unofficial and official prescription and dispensing blanks may be used are, to the department, directory only and may by rule or regulation of the department, from time to time, be changed or modified to meet existing conditions.

Section 428. *Possession of drugs further restricted.* No manufacturer, wholesaler, apothecary, physician, dentist or veterinarian shall obtain, possess, control, distribute or dispense any cocaine or opium or its derivatives for any purpose other than the use, sale or distribution thereof by him in the conduct of a lawful business in said drugs or in the legitimate conduct or practice in good faith of his business or profession.

Section 429. *Labels.* Whenever an apothecary pursuant to a prescription written upon an official prescription blank shall dispense cocaine or opium or its derivatives or whenever a physician shall dispense any of such drugs a record of which is required to be kept upon an official physician's dispensing blank, he shall securely affix to the container of such drug a label stating in legible English the name and address of the physician prescribing or dispensing and the apothecary, if any, dispensing and the date when and the name and address of the person for whom and name and quantity of the drug dispensed and contained in the container.

Section 430. *Authorized possession of drugs by consumer.* A person for whom cocaine or opium or its derivatives shall have been dispensed by an apothecary or physician, for the dispensing of which no label is required to be

affixed to the container, and the owner of an animal for which any of such drugs shall have been dispensed by a veterinarian or an apothecary upon the prescription of a veterinarian may lawfully possess the same. A person for whom any of such drugs shall have been dispensed by an apothecary or physician for the dispensing of which a label is required to be affixed to the container may lawfully possess in the container delivered to him by the apothecary or physician and upon which the label signed by the apothecary or physician is affixed an amount of such drug not exceeding that stated upon the label.

Section 431. *Administration of drugs by hospitals and institutions.* A hospital, sanatorium or other institution maintained by the United States or the state or any of its political subdivisions, or a public hospital or other institution in which persons are treated for disability or disease other than drug addiction, or a public hospital, sanatorium or institution in which persons are treated for inebriety or drug addiction or a private hospital or institution registered with the department in which persons are treated for disability or disease other than drug addiction or a private hospital, sanatorium, institution or place in which persons are treated for inebriety or drug addiction and which shall have an unrevoked certificate of authority issued by the department may, under the supervision of a physician, administer cocaine or opium or its derivatives to inmates who are under treatment as patients.

Section 432. *Private hospitals and institutions to be authorized.* Cocaine or opium or its derivatives shall not be administered in nor shall any person be treated for inebriety or drug addiction in a private hospital, sanatorium, institution or place maintained or conducted in whole or in part for the treatment of inebriety or drug addiction unless a certificate of authority shall first have been procured from the department authorizing the same and then only so long as such certificate shall remain unrevoked.

Section 433. *Hypodermic syringe.* No person except a dealer in surgical instruments, apothecary, physician, dentist, veterinarian or nurse, attendant or interne of a hospital, sanatorium or institution in which persons are treated for disability or disease shall at any time have or possess a hypodermic syringe or needle unless such possession be authorized by the certificate of a physician issued within the period of one year prior thereto.

Section 434. *Records and reports.* 1. *Manufacturers.* Each manufacturer who shall sell or distribute any cocaine or opium or its derivatives within or for use or distribution within the state shall keep a record in detail of all such drugs manufactured by him and a record of all such drugs sold or distributed by him within or for use or distribution within the state, which record shall contain the date of each such sale or distribution, the name and amount and form of each such drug so sold or distributed and the name and address of each person to whom so sold or distributed. He shall quarterly, or oftener if required by the commissioner, make and mail to the department a detailed report, on oath, setting forth all of the information contained in such records.

2. *Wholesalers.* Each wholesaler who shall purchase or receive or sell or distribute any cocaine or opium or its derivatives within the state or for use or distribution within the state shall keep a record in detail of all such drugs so purchased or received by him, which shall contain the date of each purchase or receipt, the name and address of the person from whom and the name and quantity of each such drug so purchased or received. He shall also keep a like record in detail of all such drugs sold or distributed by him within or for use

or distribution within the state which shall contain the date of each such sale or distribution, the name, amount and form of each such drug so sold or distributed and the name and address of each person to whom so sold or distributed. He shall quarterly, or oftener if required by the commissioner, mail to the department a detailed report on oath setting forth all of the information contained in such records.

3. Apothecaries. Each apothecary shall keep a record of all cocaine or opium or its derivatives purchased or received by him, which shall contain the date of each purchase or receipt, the name and address of each person from whom and the name and quantity of each such drug purchased or received. He shall also keep a record of the amount of each of such drugs sold by him at wholesale or sold or dispensed by him upon official order blanks which shall contain the date when, the name and address of each person to whom and the name and quantity of each such drug so dispensed. He shall also keep a record of the amount of each of such drugs used by him in the preparation of preparations and remedies, together with the amount used for each such purpose and how such preparations or remedies have been disposed of. He shall also keep a record of the gross amount of each of such drugs dispensed by him upon prescription. He shall as required by the commissioner, make and mail to the department a report setting forth such of the information contained in such records as the commissioner may require, together with the amount of each such drug on hand upon the date of such report.

4. Physicians. Each physician shall keep a record of all cocaine or opium or its derivatives purchased or received by him, which shall contain the date of each purchase or receipt, the name and address of each person from whom and the name and quantity of each such drug purchased or received. He shall also keep a record of the gross amount of each of such drugs administered by him to patients, dispensed by him to patients while absent from his office in personal attendance upon them and dispensed by him to patients in quantity not exceeding lawful quantity. He shall also keep a record of each of such drugs otherwise dispensed by him which shall contain the date when, the name and address of each person to whom and the name and amount of each such drug so dispensed. He shall, as required by the commissioner, make and mail to the department a report setting forth such of the information contained in such records as the commissioner may require, together with the amount of each such drug on hand upon the date of such report.

5. Hospitals, sanatoriums and other institutions. Each hospital, sanatorium or other institution authorized by the provisions of this article to administer cocaine or opium or its derivatives shall keep a record which shall contain the date of each purchase or receipt, the name and address of each person from whom and the name and quantity of each such drug purchased or received. It shall also keep a record of the gross amount of each such drug administered. It shall, as required by the commissioner, make and mail to the department a report setting forth the information contained in such records, together with the amount of each such drug on hand upon the date of such report.

6. Dentists and veterinarians. Each dentist and veterinarian shall keep a record which shall contain the date of each purchase on receipt by him of cocaine or opium or its derivatives, the name of each person from whom and the name and amount of each such drug purchased or received. Each dentist shall also keep a record of the gross amount of each such drug administered.

Each veterinarian shall also keep a record of the gross amount of each drug administered or dispensed. He shall as required by the commissioner, make and mail to the department a report setting forth the information contained in such records, together with the amount of each drug on hand upon the date of such report.

The commissioner may require each person authorized to manufacture, distribute, dispense, sell, prescribe or administer any of such drugs, to keep such additional records and make such other further or different reports as he may determine. Each prescription written upon an official blank and each other record, except prescriptions required to be kept by an apothecary, shall be contained in books the leaves of which shall be permanently bound together. Each record required by the provisions of the article to be kept shall be kept in a place easily accessible and shall be accessible to the department for a period of at least two years.

Section 435. *Drugs delivered to department.* All drugs which have been seized and judicially determined to have been unlawfully possessed or the title to which shall have ceased and the same shall have come into the hands of a peace officer shall, upon the direction of a court or magistrate, be delivered to the department. Drugs may be surrendered to the department. All drugs in the final possession of the department may be disposed of by the commissioner.

Section 436. *Exemptions from restrictions.* The provisions of this article restricting the possession of cocaine, opium or its derivatives shall not apply to common carriers or warehousemen or their employes engaged in lawful transportation or storage of such drugs, nor to public officers or employes while engaged in the performance of their official duties, nor to temporary incidental possession on the part of employes or agents of persons lawfully entitled to possession.

Section 437. *Records confidential.* All papers, records, information, statements, and data filed with the department or kept by any person pursuant to the provisions of this article, and all records of proceedings or actions taken by the commissioner or any of his deputies pursuant to the provisions of this article, shall be regarded as confidential, and shall not be open to inspection by the public or any person other than the official custodian of such records, such persons as may be authorized by law or the commissioner to inspect such records, and the persons duly authorized to prosecute or enforce the federal statutes or the laws of the state of New York, but then only for the purpose of such prosecution or enforcement. No employe or other person shall disclose or aid in the disclosure of such, or any part of such, papers, records, information, statements, or data to any person not authorized by law or the commissioner to inspect the same.

Section 438. *Commitment of addicts; procedure; treatment; discharge.* The habitual use of cocaine, opium or its derivatives, except as administered, prescribed or dispensed by a physician, is hereby declared to be dangerous to the public health and safety. Whenever a complaint is made to any magistrate that any person is so addicted, or upon the voluntary application to him of an addict, he may, if satisfied of the truth thereof and that the person is suffering from such drug addiction, commit such person to a state, county or city hospital, or institution licensed under the state lunacy commission or any correctional or charitable institution maintained by the state or any political subdivision thereof, or private hospital, sanatorium or institution having an

unrevoked certificate of authority from the department, for the treatment of disease or inebriety. Any court having jurisdiction of a defendant who is a prisoner in a criminal action or proceeding, if it appears that such defendant is an habitual user of any of such drugs and is suffering as a result of such addiction, may likewise commit such defendant, at any stage of such action or proceeding and may direct a stay of proceedings, or suspend sentence or withhold conviction pending the period of such commitment. Whenever the chief medical officer of such an institution shall certify to the committing magistrate or court that any person so committed has been sufficiently treated, or give any other reason which is deemed by the magistrate or court to be adequate and sufficient, he may in accordance with the terms of commitment discharge the person so committed, or return such person to await the further action of the court, provided, however, that when such a commitment is to an institution under the jurisdiction of a department of correction, or other similar department in a city of the first class, where there is a parole commission established pursuant to law, such commission shall act in the place and stead of a chief medical officer for the purpose of making such a certificate.

Section 439. *Voluntary hospital commitment.* Any public hospital, sanatorium or institution may accept as a charity patient any person voluntarily applying for treatment for drug addiction and any such institution may, if a voluntary applicant signs a statement that he is suffering from drug addiction and desires treatment, in the same manner and subject to the same rules and restrictions as if committed by a magistrate, receive such person without formal commitment, with like effect as if formally committed, subject to discharge when sufficiently treated, or for any other reason deemed adequate. The commissioner or any local health board or officer may likewise on such an application and signed statement place the applicant in any hospital receiving such patients at public expense. The department shall adopt blank forms of applications and orders for such treatment and on request shall furnish copies thereof to any such institution or officer. The provisions of this section shall not restrict the right of any hospital, sanatorium or institution to accept and treat patients for drug addiction at other than public expense.

Section 440. *Fraud, deceit, et cetera.* Any fraud, deceit, misrepresentation, subterfuge, concealment of a material fact or the use of a false name or the giving of a false address in obtaining treatment in the course of which cocaine or opium or its derivatives in excess of lawful quantity shall be prescribed or dispensed or in obtaining any supply of such drugs shall constitute a violation of the provisions of this article. For the enforcement of the provisions of this article statements, representations or acts herein referred to shall not be privileged as confidential communications.

Section 441. *False representations, et cetera.* No official blanks shall be issued to any person who shall have been convicted of a violation of any of the provisions of this article unless the commissioner be satisfied, from proof presented to him, that such violation was not willful. No person shall for the purpose of obtaining any quantity of cocaine or opium or its derivatives falsely assume the title of or represent himself to be a wholesaler, pharmacist, druggist, physician, dentist or veterinarian or to be engaged in the conduct of lawful business in or use or distribution of any of such drugs, nor utter any false or forged order or prescription for or label affixed to the container of any of such

drugs or alter, deface or remove any such label or keep any false record or make any false report under the provisions of this article.

Section 442. *Revocation of licenses.* Any license heretofore issued to any physician, dentist, veterinarian, pharmacist, druggist or registered nurse may be revoked or suspended by the proper officers or boards having power to issue licenses to any of the foregoing upon proof that the licensee is addicted to the use of any habit-forming drug or drugs after giving such licensee reasonable notice and opportunity to be heard. Whenever it shall appear that such licensee has fully recovered and is no longer an addict to any of such drugs, such board may grant a rehearing and in its discretion reissue or reinstate the license of such licensee. Whenever any pharmacist, druggist, physician, dentist, veterinarian or registered nurse shall have been convicted of the violation of any of the provisions of this article, any officer or board having power to issue licenses to any such physician, dentist, veterinarian, pharmacist, druggist or registered nurse may, after giving such licensee reasonable notice and opportunity to be heard, suspend or revoke the same.

Section 443. *Penalties.* A violation of any of the provisions of this article shall constitute a misdemeanor.

Section 444. *Exceptions and exemptions not required to be negatived.* In any complaint, information, indictment or other writ or in any action or proceeding laid or brought under or for the enforcement of any of the provisions of this article it shall not be necessary to negative an exception or exemption and the burden of proof shall be upon the defendant or person proceeded against to establish affirmatively any exception or exemption claimed.

Section 445. *Construction of article.* The provisions of this article shall be construed not as an act in derogation of the powers of the state but as one intended to aid the state in the execution of its duties, and shall be liberally construed so as to carry into effect the objects and purposes hereof. The provisions of this article, so far as they are substantially the same, or cover the same subject-matter, as those of any law repealed by this act, shall be construed as a continuance of such repealed law, modified or amended, according to the language employed herein, and not as new enactments. References in a law not repealed to the provisions of any law incorporated into this article or repealed by this act shall be construed as applying to the provisions so incorporated. The meaning and effect of the terms and language used herein shall be construed in accordance with the provisions of the statutory construction law.

Section 2. The repeal of a law, or any part of it, by the provisions of this act, shall not affect or impair any act done or right accruing, accrued, or acquired, or penalty, forfeiture or punishment incurred prior to the time when this act takes effect under or by virtue of the law so repealed, but the same may be asserted, enforced, prosecuted or inflicted as fully and to the same extent as if such law had not been repealed; and all actions or proceedings, civil or criminal, commenced under or by virtue of any law so repealed and pending when this act takes effect, may be prosecuted and defended to final effect in the same manner as they might under any such law so repealed.

Section 3. All of article eleven-a of chapter forty-nine of the laws of nineteen hundred and nine, entitled "An act in relation to the public health, constituting chapter forty-five of the consolidated laws," as added by chapter three hundred and sixty-three of the laws of nineteen hundred and

fourteen and as subsequently added to and amended, and sections seven hundred and forty-five and seven hundred and forty-six of chapter eighty-eight of the laws of nineteen hundred and nine, entitled "An act providing for the punishment of crime, constituting chapter forty of the consolidated laws," as added, substituted or amended; and all acts or parts of acts inconsistent with the provisions of this act are hereby repealed, such repeal to take effect on the first day of February, nineteen hundred and nineteen.

Section 4. Sections four hundred and twenty-one and four hundred and twenty-two of this article and so much of section four hundred and twenty-three of this article as pertains to registry shall take effect on the first day of November, nineteen hundred and eighteen, the other sections of such article shall take effect on the first day of February, nineteen hundred and nineteen.

Section 5. The sum of twenty-seven thousand four hundred dollars (\$27,400), or so much thereof as shall be necessary, is hereby appropriated for the purpose of carrying into effect the provisions of this act. The said amount shall be available for the period of eight months ending June thirtieth, nineteen hundred and nineteen, and distributed as follows, subject to all of the provisions of the act making appropriations for the support of government:

PERSONAL SERVICE.

Salaries, Regular—

Commissioner	\$4,000.00
Deputy, 3 at annual rate of \$3,500 each.....	7,000.00
Secretary	2,000.00
Stenographer or filing clerk, 3 at annual rate of \$1,200 each.....	2,400.00
Stenographer or filing clerk, 3 at annual rate of \$1,000 each.....	2,000.00

MAINTENANCE AND OPERATION.

For expenses of maintenance and operation other than personal service	\$10,000.00
Section 6. This act shall take effect immediately.	

Commitment of Insane in Louisiana.—(Senate Bill No. 79. By Mr. Caldwell.) An act to provide proper proceedings relative to the insane and for the admission of insane persons, whether indigent or otherwise, to the insane hospitals of the state; and to authorize the respective Boards of Administrators to determine the question of indigency, and in all proper cases to require reasonable compensation for care and treatment; and to authorize suit for recovery; and to authorize the parole of patients; and to punish ill treatment of inmates or patients.

Section 1. Be is enacted by the General Assembly of the State of Louisiana, That whenever it shall be made known to the judge of the District Court by written complaint or information of any respectable citizen that any insane person within his jurisdiction is indigent and ought to be sent to or confined in one of the state hospitals for the insane, or complaint that though not indigent he should be confined, it shall be the duty of said judge of the District Court having jurisdiction of interdiction to issue his warrant ordering such person to be brought in court before him, and thereupon said judge shall cause to be summoned two licensed and reputable physicians, one of whom shall be the coroner of the parish, and the other the physician of the suspected person, if he has